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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re H.H. et al., Persons Coming Under the  
Juvenile Court Law.

MERCED COUNTY HUMAN SERVICES  
AGENCY,

Plaintiff and Respondent,

v.

PENNY R.,

Defendant and Appellant.

F077698

(Super. Ct. Nos. 16JP00104C,  
16JP00104D)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Merced County. Donald J. Proietti, Judge.

Jack A. Love, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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\* Before Peña, Acting P.J., Meehan, J. and Snauffer, J.

Penny R. (mother) appealed from the juvenile court's May 15, 2018, order terminating her parental rights to her daughters, H.H. and P.H., now eight and six years of age respectively. (Welf. & Inst. Code, § 366.26.)<sup>1</sup> After reviewing the juvenile court record, mother's court-appointed counsel informed this court he could find no arguable issues to raise on mother's behalf. This court granted mother leave to personally file a letter setting forth a good cause showing that an arguable issue of reversible error exists. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844 (*Phoenix H.*).)

Mother submitted letters in which she asks for another chance to demonstrate she can be a good parent to the children. She does not allege the juvenile court erred in terminating her parental rights.

We conclude mother failed to address the termination proceedings or set forth a good cause showing that any arguable issue of reversible error arose from the termination hearing. (*Phoenix H.*, *supra*, 47 Cal.4th at p. 844.) Consequently, we dismiss the appeal.

### **PROCEDURAL AND FACTUAL SUMMARY**

Dependency proceedings were initiated in August 2016 after mother and her boyfriend were arrested in Louisiana with her eight- and seven-year-old sons<sup>2</sup> and H.H. and P.H., then six and four years of age, living in a car. The arrest was prompted by a report that mother's live-in boyfriend, a registered sex offender, sexually molested a seven-year-old female. After authorities were unable to locate mother and the children at her address in Merced County, the Department of Missing and Exploited Children conducted a nationwide search and located them in Louisiana. The car they were living in was in disarray and emitted a foul stench from the trash and filthy condition of the interior. The children were underweight and covered with dirt and mosquito bites. Their

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<sup>1</sup> Statutory references are to the Welfare and Institutions Code.

<sup>2</sup> Mother's sons are not parties to this appeal.

hair was matted and their teeth rotting and they had not bathed for a week or eaten for two days. They reported being physically abused by mother's boyfriend during the trip to Louisiana. Their father was a transient, living in a shelter in California. The Louisiana State Police Special Victims Unit detained the children and placed them in the care of the Louisiana Department of Family and Children Services. Several days later, they were returned to Merced County.

The Merced County Human Services Agency (agency) filed a dependency petition on the children's behalf, alleging mother knowingly exposed them to a registered sex offender, fled the state to avoid contact with law enforcement and child protective services, and negligently failed to provide them with adequate food, clothing, shelter, and medical treatment.

The Merced County Juvenile Court exercised its dependency jurisdiction over the children and offered mother and the children's father reunification services. The agency placed the children in foster care.

By the six-month review hearing set for April 2017, the children had been placed with their maternal grandmother, mother was incarcerated in Merced County and the whereabouts of the children's father were unknown. Consequently, neither parent was compliant with their services plan.

In May 2017, at the six-month review hearing, the juvenile court continued reunification services for both parents to the 12-month review hearing in October 2017, and removed the children from their maternal grandmother's home.

On May 30, 2017, mother was released from custody. From then until August 25, 2017, her whereabouts were unknown. She did not contact her social worker to request a meeting, visit the children or initiate any of her services. She refused to participate in sexual abuse counseling, claiming nothing happened to the children.

In November 2017, at the 12-month review hearing, the juvenile court terminated reunification services and set a section 366.26 hearing as to H.H. and P.H. to consider a permanent plan of adoption. The court ordered the boys into long-term foster care.

In its report for the section 366.26 hearing, the agency recommended the juvenile court find H.H. and P.H. were likely to be adopted and terminate parental rights. P.H. was placed with her maternal great-aunt and H.H. was placed in an adoptive home with a foster mother. Both prospective adoptive mothers were committed to adoption and to maintaining the sibling relationship. The maternal aunt was also interested in adopting H.H. and the agency was assessing her ability to meet H.H.'s needs.

The agency also reported that mother visited the children twice since reunification services were terminated in November. During the first visit on December 29, 2017, they all greeted each other with a hug. They engaged in appropriate activities and, at the end of the visit, P.H. did not want to leave, but mother encouraged her and she felt better. They also greeted each other with hugs at the second visit on January 26, 2018. Mother was affectionate and appropriate during the visit. The visit ended with hugs, but the caregivers said that the children had behavioral problems for days after the visit.

On May 15, 2018, the juvenile court conducted a contested section 366.26 hearing. County counsel informed the court that H.H. was placed with P.H. in the care of the maternal great-aunt who was committed to adopting both girls. Their nine-year-old brother was also placed with the great-aunt. Mother made an offer of proof that she disagreed with the agency's recommendation to terminate parental rights. She asserted the beneficial parent-child relationship exception to adoption under section 366.26, subdivision (c)(1)(B) applied because she maintained regular visitation and contact with the children and they would benefit from continuing the relationship. Her visits with them went well, the children were affectionate with her and they missed her, as indicated by their adverse behavior following visits. She had been trying to engage in services

through probation to enhance her ability to bond with the children and to care for and protect them. She wanted the court to know that she loved the children very much. She felt it was in their best interest to be reunified with her and detrimental to them to deny her that opportunity. Lastly, she felt the adoptive placement was not appropriate.

The juvenile court found by clear and convincing evidence H.H. and P.H. were likely to be adopted and terminated parental rights, having found no evidence termination would be detrimental to them.

### **DISCUSSION**

After reunification services have been terminated, the juvenile court's focus is on the children's need for permanency and stability. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) If, as in this case, the children are likely to be adopted, the juvenile court must terminate parental rights unless the parent proves there is a compelling reason for finding that termination would be detrimental to the children under any of the circumstances listed in section 366.26, subdivision (c)(1)(B) (exceptions to adoption).

Mother does not challenge the sufficiency of the evidence supporting the juvenile court's adoptability finding and termination order. Rather, she asks for another opportunity to prove herself a suitable parent.

Though we are not required to do so, we have reviewed the pertinent parts of the record along with mother's letters and we have found no arguable issues for briefing. (*Phoenix H.*, *supra*, 47 Cal.4th at pp. 841-842.) Accordingly, we dismiss the appeal.

### **DISPOSITION**

This appeal is dismissed.